

AO 91 (Rev. 11/11) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT**

MAY 27 2014

for the
Western District of TexasCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY DEPUTY CLERK

United States of America)

v.)

JOSEPH MITCHEL FUENTES)

SEE ATTACHMENT)

JOSEPH CHEYENNE GONZALEZ)

Defendant(s)

Case No. DR-

14-6102M-01,02

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

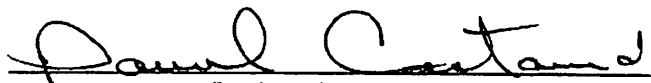
On or about the date(s) of 5/26/2014 in the county of Dimmit in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

841 (a) (1)

Unlawfully, Knowingly, and
Intentionally Possess with
intent to distribute
approximately 9.2 kilograms
Gross Weight of Marijuana, a
Schedule I Controlled substance

This criminal complaint is based on these facts:

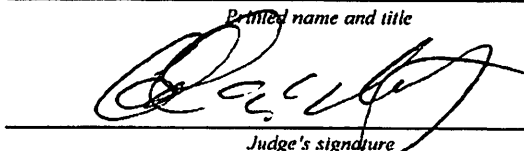
See Attachment

☒ Continued on the attached sheet.*Complainant's signature*

Daniel Castañeda, DEA Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/27/2014*Judge's signature*City and state: Del Rio, Texas

Collis White, U.S. Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS**

Attachment A

UNITED STATES OF AMERICA

V

Fuentes, Joseph Mitchel

Gonzalez, Joseph Cheyenne

On May 26, 2014 at approximately 2:35 am, United States Border Patrol (USBP) Agent Daniel Gehl was conducting traffic observation duties in his assigned marked Border Patrol unit, in the area of FM Road 2691 and FM Road 393.

At approximately 1:20 am, BP Agent Gehl observed a vehicle driving towards his location and pulled off the roadway and positioned his vehicle so the headlights would illuminate any passing vehicle. Agent Gehl observed a White Chevy Silverado (Tx/BZ93916) pass his location traveling East on FM 393 towards Crystal City, Texas. As the vehicle passed his location he could hear the vehicle accelerate heavily. FM 393 Road is frequently used for smuggling illegal aliens and narcotics as it circumvents the U.S Border Patrol Checkpoint on Hwy 277. Agent Gehl decided to investigate the vehicle and its occupants. As BP Agent approached the vehicle it jerked from left to right, going over the median divider line. At the same time BP Agent Gehl observed what looked like something being thrown from the driver side of the vehicle. Immediately after, the object that was thrown was struck by the rear vehicle tire on the driver side. The object continued to slide across the pavement as if it had just been thrown from a moving vehicle. BP Agent slowed down to avoid striking the object which he could clearly see was a black duffle bag. BP Agent continued following the truck and contacted the Carrizo Springs, Texas radio operator and advised them of the location of the duffle bag. Due to the long straightaways on this section of the road, BP Agent Gehl was able to keep visual contact and not lose sight of the white Chevy Silverado. As BP Agent Gehl approached Crystal City, Texas, two Zavala County Deputies assisted with the vehicle stop. BP Agent Gehl identified himself as a Border Patrol Agent and informed the occupants that he had pulled them over to conduct an immigration inspection. BP Agent Gehl made contact with the driver Joseph Cheyenne GONZALEZ and passenger Joseph Mitchel FUENTES. Both individuals stated they were United States citizens; however Joseph Mitchel FUENTES was not in possession of any type of identification. The driver Joseph Cheyenne GONZALEZ stated that the passenger was his nephew and they were just out for a drive. Before BP Agent Gehl was able to request the record checks on the passenger he was advised over the radio by Border Patrol Agent Roberto Salinas that the duffle bag was BP Agent Gehl observed being thrown from the vehicle contained ten individually wrapped packages that contained a green leafy substance. Zavala County Deputies and BP Agent Gehl removed that occupant out of the vehicle and advised the driver and passenger that they were under arrest and advise them of their Miranda Rights. The vehicle and the green leafy substance were transported to the Carrizo Springs Border Patrol Station for processing. At the Carrizo Springs Border Patrol Station Joseph Mitchel FUENTES and Joseph Cheyenne GONZALEZ were again advised of their Miranda Rights via service form I-214 and signed that they understood their rights. Both individuals refused to answer questions without the presence of an attorney. A total of ten (10) bundles wrapped in clear cellophane wrapping were located inside the black duffle bag. The packages which were field tested yielded positive for the characteristics of marijuana. The weight of the marijuana was 20.5 lbs. (9.2 kgs gross weight).

Drug Enforcement Administration (DEA) TFO Daniel Castañeda and TFA Martin Soto Jr. arrived at the Carrizo Springs Border Patrol Station and advised Joseph Mitchel FUENTES and Joseph

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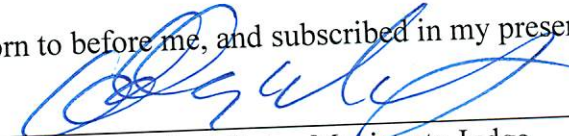
Attachment A

Cheyenne GONZALEZ of their Miranda Rights via form DEA-13. Both individuals refused to answer questions at that time without the presence of an attorney. At this point the interview was terminated.

 May 27, 2014

Daniel Castañeda, Task Force Officer
Drug Enforcement Administration

Sworn to before me, and subscribed in my presence,


Collis White, United States Magistrate Judge
Western District of Texas